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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/006,874	11/14/2001	Michael A. Plotnick	T738-10	5480
	7590 11/17/2004		EXAMINER	
EXPANSE NETWORKS, INC. 6206 KELLERS CHURCH ROAD			TRAN, HAI V	
PIPERSVILLE, PA 18947			ART UNIT	PAPER NUMBER
			2611	
			DATE MAILED: 11/17/2004	ļ

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Haii Tran	·	10/006,874	PLOTNICK ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Edisabitive of the map by evaluate under the proteins of ½ CFR 1.13(ii). In a overt, however, may a reply be timely filled - If the period for reply is specified above is less than thirty (20) days, we steply the the statisticary minimum of thirty (30) days will be considered timely. - If the period for reply is specified above is less than thirty (20) days, we steply may not will be provided for reply and in provided days. Belt advantage period will apply and will provided to the provided for reply and in provided days and legislated for communications, we have provided to reply and in provided to the communication to the provided to reply and in provided to the reply and in provided to reply and in provided to the reply and in provided to reply and	Office Action Summary	Examiner	Art Unit				
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1) Responsive to communication(s) filed on 24 September 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-109 is/are pending in the application. 4a) Of the above claim(s)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
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Application/Control Number: 10/006,874

Art Unit: 2611

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-69 and 99-109, drawn to Personal Video Recorder that is able to playback recorded ads/commercials based on an event/trick play, classified in class 386, subclass 46.
- II. Claims 70-98, drawn to a video distribution system with interactive data (i.e. commercial) transmitted in video signal, classified in class 725, subclass 136, 139, and 142.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the detail of the broadest sub-combination claim 70 of Group II such as, receiving an advertisement, recording the advertisement, receiving the processing rules.

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The subcombination has separate utility apart from the Personal Video Recorder and can be used other than Playback/Record in a Personal Video Recorder such as Video distribution system with Interactive data transmitted in a video signal.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht 11/12/2004

HAITRAN
PATENT EXAMINER